

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MAURICE V. JACKSON,	§
	§ No. 533, 2005
Petitioner Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
RAPHAEL WILLIAMS,	§ C.A. No. 05M-09-102
	§
Respondent Below-	§
Appellee.	§

Submitted: February 10, 2006

Decided: April 24, 2006

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

**ORDER**

This 24<sup>th</sup> day of April 2006, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The petitioner-appellant, Maurice V. Jackson, filed an appeal from the Superior Court's September 30, 2005 order denying his petition for a writ of habeas corpus. We find no merit to the appeal. Accordingly, we affirm.

(2) In March 2004, Jackson pleaded guilty in the Family Court to Terroristic Threatening and Assault in the Third Degree. He was sentenced to a total of 2 years of Level V incarceration, to be suspended immediately

for 1 year of Level II probation. While on probation, Jackson committed new offenses, resulting in his arrest.

(3) In June 2004, Jackson pleaded guilty in the Court of Common Pleas to new charges of Terroristic Threatening and Assault in the Third Degree. As a result of the new charges, the Family Court found that Jackson had committed a violation of probation (“VOP”) and sentenced him to 2 years at Level V, to be suspended after 6 months and successful completion of the Key Program for 1 year at Level III probation. The Court of Common Pleas sentenced Jackson on the new charges to a total of 1 year and 9 months at Level V, to be suspended after 6 months for decreasing levels of probation.

(4) In September 2005, Jackson filed a petition for a writ of habeas corpus in the Superior Court claiming that he improperly exceeded his sentence on his Family Court VOP because it took him more than 6 months to complete the Key Program. In this appeal, he also claims that the Superior Court should have granted his petition for a writ of habeas corpus because his Family Court sentence was illegally enhanced without a court hearing.

(5) In Delaware, the writ of habeas corpus provides relief on a very limited basis.<sup>1</sup> Habeas corpus only provides “an opportunity for one illegally confined or incarcerated to obtain judicial review of the jurisdiction of the court ordering the commitment.”<sup>2</sup> “Habeas corpus relief is not available to ‘[p]ersons committed or detained on a charge of treason or felony, the species whereof is plainly and fully set forth in the commitment.’”<sup>3</sup>

(6) Jackson has presented no evidence that either the Family Court or the Court of Common Pleas lacked jurisdiction to sentence him for the offenses he committed. Where the commitment was regular on its face and the court clearly had jurisdiction over the subject matter, habeas corpus does not afford a remedy to the petitioner. Moreover, habeas corpus may not be used as a substitute for postconviction relief.<sup>4</sup> We, therefore, find no error or abuse of discretion on the part of the Superior Court in denying Jackson’s petition for a writ of habeas corpus.

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<sup>1</sup> *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* (quoting Del. Code Ann. tit. 11, § 6902(1)).

<sup>4</sup> *Weber v. Albright*, Del. Supr., No. 152, 1994, Hartnett, J. (July 26, 1994) (citing *Lewis v. State*, 215 A.2d 433, 434 (Del. 1965)).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/Henry duPont Ridgely  
Justice